

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEXTER ETTIENNE-MODESTE, JR.,

Plaintiff,

-against-

STATE OF NEW YORK,

Defendant.

23-CV-8247 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated September 29, 2023, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (IFP application) or pay the \$5.00 in fees required to file a petition for a writ of habeas corpus under 28 U.S.C. § 2241 in this court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to enter judgment in this matter.

SO ORDERED.

Dated: October 31, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge